Untrained supervisors and managers who act and speak without knowing the requirements of employment laws often create liability for employers. Employers often do not take the time to properly train and educate supervisors and managers due to the time and expense, but failing to do so can be quite costly due to legal fees and damages incurred in the course of lawsuits. A few examples demonstrate the cost-benefit analysis.

Recently the federal Court of Appeals for the Seventh Circuit issued an opinion entitled *Hall v. Nalco*. Hall was a secretary who had difficulty getting pregnant, so she took a leave of absence to undergo *in vitro* fertilization. The procedure was not successful, so some months after her first leave, Hall applied to take a second leave of absence for another procedure. In the meantime Hall’s employer was reorganizing and consolidating offices. In that process, Hall’s supervisor decided to consolidate two secretarial positions into one. Hall’s position was eliminated and her employment was terminated. However, the supervisor’s written and verbal comments as to the reasons for her severance created potential liability for Nalco. First, the supervisor told Hall her termination was in her best interest due to her health condition. Second, when Nalco’s records were produced to Hall’s attorney, included were notes of the supervisor’s meeting with Nalco’s employee-relations manager concerning which secretary to retain. The notes showed that the supervisor commented that Hall missed a lot of work for health reasons and, as to her performance, the notes showed “absenteeism — infertility treatments.” The other secretary, also female, who was retained, was incapable of becoming pregnant.

Hall sued Nalco for pregnancy discrimination, which is a form of discrimination based upon sex. Hall alleged that she was fired because she was a member of a protected class, a female with a pregnancy related condition — infertility. The Seventh Circuit agreed with Hall. IVF treatments are only given to women and based upon the supervisor’s comments, Hall may have been terminated because of her absence and planned absence for infertility treatments. Therefore, her termination was
President’s Message  by Dale Skaggs, FACHE, CPA

Dear HFMA Member:

The Chapter year is well under way and Bill Jones (President-Elect) and I just returned from attending the Region 4 Fall President’s meeting in Denver, Colorado where we had the opportunity to network with several other chapter leaders. The majority of our meeting time was focused on best practices and gathering input on ways to effectively manage the chapter. There were several common themes mentioned, but the two that seem to be most prevalent in determining the outstanding chapters were quality education and getting the membership involved. We will continue to focus on these areas as the year progresses.

The Chapter recently hosted a very successful Summer Institute with over 135 members attending. Thank you to those who attended and the many volunteers who worked to plan the program. We are currently finalizing the Fall Institute agenda for the meeting which will be held in Lexington on October 23rd and 24th. The Committee Chairs are also busy preparing for the A/R workshop, which will be held in November. This year’s theme is “Making a Connection”; if you would like to volunteer to help with an educational meeting or become involved in some other way, please contact one of the chapter leaders.

Newsletter Changes — the KY HFMA newsletter is going paperless. At a recent Board meeting we voted to move into the electronic age, by beginning to produce and distribute the newsletter electronically. This will be the last printed issue of the newsletter, so please be looking for an electronic notification moving forward. For those of us who still prefer to read the hard-copy, a PDF version will be available on the KY HFMA website at www.hfmaky.org.

Membership Directory — the KY HFMA directory is currently being finalized with updates and will be distributed in the coming weeks. This directory serves the chapter as a very valuable resource to connect with fellow members.

At ANI this year, keynote speaker Tom Peters said that organizational excellence depends on what he called “giving good tea.” On behalf of the Chapter Board of Directors and Committee Chairs, I encourage you to reach out to others in the chapter, make the connections that will benefit each other, and enjoy the tea.

Let’s continue to have a great year.

Dale

HFMA National's On-line Membership Directory

Have you visited HFMA National’s On-line Membership Directory lately? Here’s the link: http://www.hfma.org/dual_login.cfm. When you select “HFMA Directory” not only can you search for members of our chapter, you can also search for all of your HFMA colleagues by name, company, and location — regardless of chapter! You may also view your current contact information and make edits to your profile, as well as view any products you have ordered, events you have registered for, your CPE credits, your Founders points, and more!

It is vital that HFMA has your correct information, so please take a moment to view your record now. By doing so, you will ensure that HFMA continues to provide you with valuable information and insights that further your success.
based upon her sex and her child-bearing status. The case was sent back for further proceedings in the trial court.

Even though the choice was between two women, and one women was chosen, it was the supervisor's reasons for the choice, which he expressed verbally to Hall and to the HR representative, who recorded them in notes, which got Nalco into trouble. There may have been other good rea-

Bryson sued Regis Corp. and one of her claims was FMLA retaliation. The trial court dismissed that claim before trial, but the Sixth Circuit reversed and sent the claim back to the trial court. Among the reasons for the reversal were Sawyer's numerous comments by which she made it clear that Bryson was not really injured, did not need leave for surgery, and that Bryson was being selfish and harming her store at a busy time of year.

In both cases, the supervisors made imprudent comments which were apparently based upon their lack of knowledge of employment laws and the protections they provide to employees. In-house training sessions might have helped these supervisors understand why the relevant employment laws were enacted, how they operate to protect employees, and how they were not permitted to take adverse actions against the employees for the reasons they verbalized.

In sum, employers are wise to work with their human resources representatives to organize annual training sessions for supervisors and managers on a variety of laws and issues, such as the anti-discrimination and harassment laws and the FMLA, as well as a review of company policies and procedures on hiring, discipline, and termination. Such training may help avert litigation or at least help companies to offer a sound defense in employment litigation.

Mike Kirk is a partner at Wyatt, Tarrant & Combs, LLP and may be contacted for more information by phone at 502–562–7306.
The HFMA Value Proposition  By Thomas Albanesi, Jr. FHFMA, CPA

I was recently asked by Region 11 Regional Executive Walt Luke to write an article about the value of HFMA. Apparently, Region 11 has some chapters that are losing members because some employers don’t believe there is much value in their employees being members of HFMA. I’m going to attempt to provide you with some talking points to address this challenge.

Before you can attempt to educate your employer on the value of HFMA, you first need to assess whether you’re getting as much value out of your membership as you could be. Do you even look at your copy of HFMA magazine when it’s delivered, or is it tossed into a pile with all the other reading materials you don’t read? Why is HFMA different, and why should it be placed on top of your reading materials ahead of all the others? Easy—it’s the one monthly magazine that covers your industry from A to Z. It is full of insightful articles, commentary, and tools that can help you excel in your job. Many of the articles are written by your peers, who are offering their ideas and expertise to their fellow healthcare finance professionals.

Other sources of information in HFMA are the display ads. Healthcare vendors know that HFMA has the exact audience they are looking for, and they spend big bucks on these ads. New products, new solutions, and customized answers are often debuted in these ads. If you’re seeking a solution to a challenge at work, the answer may be in an ad in HFMA.

Are you using the HFMA web site at www.hfma.org? It’s packed with information that can help you and your employer solve challenges at work. If you haven’t logged in for a while, do so today. It’s easy to use and it is searchable. The content is continuously updated for late-breaking healthcare issues. Unlike the results produced by using a generic web browser (which can be potluck at best), the content on the HFMA web site has been vetted for its applicability to the field of healthcare finance.

What about the online member directory? It’s a valuable tool that provides quick access to your peers both in your chapter and across the organization.

If you’re not an active member, either get active or don’t be shocked when your boss informs you that your membership dues won’t be covered. Better yet, get involved in your chapter. I was a classic HFMA wallflower who looked at my shoes anytime the chapter was soliciting volunteers. I was quite reluctant to volunteer. But once I did, the value of my membership soared! I was viewed much differently by my peers, and to this day I enjoy a level of respect in my chapter that I would have never attained without becoming an active volunteer. It’s so true—you’ll get much more out of HFMA if you put something into it.

Now that you’ve assessed your own efforts to derive value from your HFMA membership, let’s start on your employer. First, explain to your employer what HFMA is: the premiere membership association for healthcare finance professionals. An organization whose vision is “to be an indispensable resource for healthcare finance.” An industry leader that doesn’t just report healthcare news, but is helping to create the future of healthcare.

The best way to demonstrate the value HFMA brings to employers who pay our dues is to give tangible examples of the times you’ve used HFMA resources to solve a problem or learn something valuable. Show your boss the in-depth articles in HFMA. Introduce him or her to the web site and to the quality and depth of resources that are listed. Share how the online member directory has been a resource to you in solving a problem. Show an agenda from an upcoming meeting, and highlight the line-up of industry experts who will be presenting. Better yet, get your boss to accompany you to an upcoming meeting and see the value first-hand. Or speak with the program committee about getting your boss a presenter’s role at an upcoming meeting.

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Remembering Ron Roe

by Bob Reh & John Yeager

Each summer the Baseball Veterans Committee gathers to enshrine some of its greatest performers of bygone years into the Hall of Fame. If the Kentucky HFMA did that, Ron Roe would surely be a “First Ballot Hall of Fame member.”

Over the years no member had a more significant role in establishing and defining the importance of the financial manager in maintaining the financial strength of our healthcare organizations. The Kentucky HFMA Members Handbook notes that Ron is the only person to serve two terms as President, but his legacy was much greater. For example:

• When Medicare started, Ron worked jointly with the Kentucky Medicare Intermediary and HFMA conducting training sessions to define acceptable accounting and record-keeping methods to ensure our members could receive their maximum allowable reimbursement. George Walz, a former Kentucky HFMA President, said it would be hard to say how many hours Ron spent during those early Medicare years working with hospitals in Kentucky. He added that Ron was “Mr. Kentucky Medicare” during Medicare’s start up years.

• Working with the old Louisville Memorial Hospital, Ron led the first appeal before the newly formed Provider Reimbursement Review Board. That successful appeal helped structure the appeal process followed by hospitals for years to come.

• When Medicare proposed a costly and burdensome “System for Hospital Uniform Reporting” program, Ron alerted hospital board members and other healthcare industry leaders and explained why they should oppose this change. Hearing the reasons why this new Program would be harmful from Kentucky healthcare leaders and others around the nation, Medicare withdrew its proposal.

• Distinguishing “non profit” from the need to make a profit was difficult for some financial managers to explain to Board members and community leaders. Recognizing the need for a healthy profit, Ron worked with HFMA and the Kentucky Hospital Association to develop and present a seminar entitled “Hospitals and Profits.” Ron presented this program throughout the Commonwealth to explain why profits are vital to maintain strong and growing healthcare organizations to serve Kentucky communities.

• Ron was extremely aware of the major role that HFMA should have in developing strong, effective healthcare financial leaders. The value that he placed on active participation and leadership involvement in HFMA is demonstrated by the 12 Presidents of Kentucky HFMA and countless other leaders that he introduced to healthcare finance.

Ron passed away nearly two years ago. However for his contributions to our Chapter, Ron should always be remembered as member of the “Kentucky HFMA Hall of Fame.”

Ron was a graduate of the University of Kentucky, and a proud Army Reserve Officer. Ron retired in 1990 from Ernst & Young after leading its Kentucky healthcare practice from its inception in the early 60’s until his retirement.

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FALL EDUCATION INSTITUTE

October 23rd and 24th promises to be an exciting Fall Education Institute in Lexington, Kentucky. The program will include three national speakers including Larry Goldberg, Julie Waddell and Howard Levenson.

Larry serves as a Grant Thornton senior advisor for healthcare legislative and regulatory matters. He will provide a Washington update on Medicare and recent actions regarding the 2009 perspective payment system.

Julie is with Accuro, a MedAssets company. Julie is a well known national speaker and will discuss “assembling a Revenue Cycle team with the right stuff.” She will also have a breakout session on sharing real world practices and developing processes for upfront collections.

And finally, Howard Levenso is a partner in Ernst & Young’s national tax practice in Washington DC and is a national director of exempt organizations within the practice. Howard will host a general session regarding the community benefit standards and how those will affect non profit organizations. He will also have a breakout session on the new changes to the tax exempt 990 rules.

The institute will also offer several informative session topics such as the keys to success in developing partnerships between clinical and financial leaders, management do’s and don’ts, the accounting update, Kentucky Hospital Association update and many more.

Please join us for the Fall Education Institute as it promises to be an exciting and informative session and an opportunity to network with many of your peers.

Member Spotlight On Kim Scifres

Director of Tax
Jewish Hospital & St. Mary’s HealthCare, Inc.

Kim Scifres is the Director of Tax at Jewish Hospital & St. Mary’s HealthCare, Inc. She accepted the position one year ago after spending over 15 years with Ernst & Young. During her time with E&Y Kim served major non-profit healthcare clients across the country as a member of their National Non-profit Tax team.

She is currently undertaking the implementation of the revised 990 within her organization. She has taken several steps to stay ahead of the curve including everything from preparing a mock 2008 return to developing a communication plan to effectively disseminate information related to the changes.

Kim and her husband have two children and live in Salem, Indiana. Kim’s office number is 502–587–4710.

The articles in Financial Scene often contain summaries of complex legal or accounting issues and may not cover all the “fine points” related to specific situations. Accordingly, they are not intended to be legal or accounting advice, which should always be obtained in direct consultation with a legal or accounting professional.
Welcome New Members

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<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Affiliation</th>
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<tbody>
<tr>
<td>Carol Dolzine</td>
<td>Director of OE</td>
<td>St Elizabeth Medical Center</td>
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<tr>
<td>Sherry L. Newsome</td>
<td>Director Of Patient Care Services</td>
<td>Norton Audubon Hospital</td>
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<td>Bruce D Withers</td>
<td>Revenue Cycle Manager</td>
<td>Fns, Inc.</td>
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<tr>
<td>Becky T Nyberg</td>
<td>Chief Finance Officer</td>
<td>Bloomington Meadows</td>
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<td>Rebecca E. Young</td>
<td>Internal Auditor</td>
<td>Kindred Healthcare</td>
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<tr>
<td>Richard J Hendershot</td>
<td>Assistant Cfo/controller</td>
<td>Westlake Regional Hospital</td>
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<tr>
<td>Araby Thornevill</td>
<td>President</td>
<td>Data Advantage</td>
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<td>Bobby Rumer</td>
<td>VP of Sales</td>
<td>Credit Solutions, LLC</td>
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<td>Julie A. Dorsey</td>
<td>AVP Administrative Services</td>
<td>Norton Cancer Institute</td>
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<td>David Potash</td>
<td>Chief Medical Officer</td>
<td>Data Advantage Corporation</td>
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<td>John Morrow</td>
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<td>Data Advantage Corporation</td>
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<td>Mike Godfrey</td>
<td>Payment Processor</td>
<td>Comdata</td>
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<td>Mark Bissell</td>
<td>Budget &amp; Reimbursement Specialist</td>
<td>Baptist Healthcare System</td>
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<tr>
<td>Moira A. McQuillen</td>
<td>Regional Sales Manager</td>
<td>SCI Solutions</td>
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<td>Scharee F. Cain</td>
<td>Intern</td>
<td>Western Kentucky University</td>
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<td>Eric Jenkins</td>
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<td>Ernst &amp; Young</td>
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<td>Michael R Johns</td>
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<td>Emc Corporation</td>
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<td>Melissa Hicks</td>
<td>Senior Auditor</td>
<td>Mountjoy &amp; Bressler</td>
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<tr>
<td>Crinda Franke</td>
<td>Vice President, Business Development</td>
<td>Executrain</td>
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<td>Cheri S. Kane, FHFMA</td>
<td>Vice President of Revenue Cycle</td>
<td>Grady Memorial Hospital</td>
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HFMA is the nation’s leading personal membership organization for healthcare financial management professionals. HFMA members participate in 70 local chapters and include nearly 32,000 healthcare financial management professionals employed by hospitals, integrated delivery systems, managed care organizations, ambulatory and long-term care facilities, physician practices, accounting and consulting firms, and insurance companies.

The HFMA Value Proposition

continued from page 4

Any human resources consultant worth a hoot will tell you that an educated workforce is critical in today’s fast-moving information age. Explain to your employer that there is no better organization than HFMA to keep you informed about the latest developments in healthcare finance. Forward to him or her pertinent e-mail alerts we receive on breaking issues, as well as the “Weekly News Highlights” e-mail that summarizes (with links for expanded analysis) critical developments in the healthcare industry.

Finally, make a value comparison with other resources your organization consumes. Suppose your annual HFMA budget consists of $3,000, which covers your dues, a few chapter meetings, and perhaps ANI. Compare that with the cost of engaging a consultant for one day and make a value comparison! I’m not knocking consultants; I used to be one earlier in my career. My point is that HFMA is an incredible year-round value for healthcare finance professionals.

Thomas Albanesi, FHFMA, CPA, is vice president, corporate finance, West Penn Allegheny Health System, Pittsburgh, and a member and past president of HFMA’s Western Pennsylvania Chapter. He is also a member of the HFMA National’s Board of Directors and chair of HFMA’s 2008-09 Regional Executive Council.
HFMA of Kentucky thanks the following sponsors who have made this year’s newsletter possible:

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